

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA                    )  
  )  
v.   )     Criminal No. 18-10398-IT  
  )  
  )  
ANDREW BARTLETT                            )

JOINT STATUS REPORT

Pursuant to Local Rule 116.5(A), the parties are hereby jointly filing the following status report prepared in connection with the Initial Status Conference scheduled for January 18, 2019.

1. Automatic Discovery Status/Outstanding Discovery Requests

Discovery on this case was begun on 10/2/18 when the following discovery was produced: ATF Reports-1, Power point- 84, Historical Cell Site Location Request-88, Search Warrant Materials- 97, Photos from Search Warrant- 195 Photos of Firearm- 198, Stolen Gun- 201, RMV and BOP- 203, Phone info- 210 Mapping- 215, Trace-228, Middleborough PD Report Regarding Theft of Gun- 230 MSP Ballistics Report- 238, CD containing voicemail to Wainwright- 241, On scene photos- 242, at office photos- 267 Photos with description- 290, Electronic Media: post arrest recorded interview Taunton PD- 295. On October 4, 2018, the government produced an Additional ATF Report (297), Surveillance

and Interview Notes (298), and additional Ballistics Reports (324), and the ATF report for the execution of the search warrant together with all attachments (330-405). On October 9, 2018, the government produced additional ATF Reports (406-418). Documents 419-501 were inadvertently produced from another case. Please disregard and discard them. Grand jury transcript for ATF S/A Kefalas was produced as document Nos. 502-522. On November 28, 2018 a discovery package from the State police Crime Lab pertaining to the Ballistics report was produced as documents 523-602. Thereafter, additional ATF Reports were produced as documents 603-613 and search warrant materials for the Defendant's phone seized at arrest were produced as documents 614-34.

The automatic discovery letter was sent out on 1-13-19. The government acknowledges that this was late.

Two CD's have also provided to date and relate to the following: Voicemail to Wainwright recording (Doc. 241), ATF Post Arrest Interview (Doc 295).

## 2. Additional Discovery

The government believes that there may be one or more ATF Reports (including returns) outstanding and will be produced promptly upon receipt. The government is also preparing the information obtained from Defendant's cell phone and it will be

produced as soon as it is available. The government is also engaged in determining whether there is any exculpatory information within the meaning of LR 116.2(b)(1)(D-E) and will produce such information should it become available.

Other than those items, final expert disclosures and discovery, and any pretrial discovery required by the Local Rules, the government does not presently anticipate producing or requesting any other additional discovery. Should the government receive any reports or other discoverable information in addition to that outlined above, it will be produced as required by Rule 16 and the Local Rules.

The defendant does not anticipate producing any additional discovery other than that set forth in paragraph 6, below.

### 3. Timing of Additional Discovery Requests

The defendant is reviewing the discovery provided by the government and requests until February 28, 2019 to file a discovery letter. The government assents to that request.

### 4. Protective Orders

It does not presently appear that any protective orders are anticipated by the parties. Should that change, the parties will address those issues promptly.

### 5. Pretrial Motions

If discovery motions are necessary, the parties will

propose a filing schedule at the Interim Status Conference. The parties will propose a schedule for any additional pretrial motions at the Final Status Conference.

6. Expert Discovery

The government anticipates that, unless there is a stipulation regarding the firearms involved in this case, it will offer expert testimony regarding the charged firearm and ammunition, i.e., that the items seized from the defendant on the dates identified in the Indictment were "a firearm" and "ammunition" within the meaning of 18 U.S.C. §921.

The government also expects to introduce expert opinion at trial that the charged firearms have the requisite nexus with interstate commerce (i.e., that they crossed a state line or an international boundary prior to being purchased from the defendant. You have already received the report on this issue from ATF S/A Patrick Briody. The government is also reserving the right to introduce testimony about the infrequency with which fingerprints are obtained from firearms and how well fingerprint material will stand up to the passage of time. The government has already provided the defendant with reports relating to some anticipated expert testimony and reserves the right to supplement these disclosures. The government will make its final expert disclosures 21 days before trial and defendant will make its disclosures 7 days before trial.

The government also expects to introduce ballistics evidence comparing shell casings/spent cartridges from the charged guns with other such casings and cartridges recovered from other shots fired incidents described in the discovery produced to date. Although this information is likely to be used at sentencing, the government reserves the right to use this information and the ballisticians's opinion at trial upon notice to the defendant.

7. Speedy Trial Act Calculations

The parties have conferred on the periods excludable from all Speedy Trial Act calculations and believe that the following periods are excludable:

10/31/18-1/18/19	Excluded per order dated 11/13/18
1/18/19-Interim Status	Excluded at the request of the parties

As of the next Status Conference (assuming that all of the foregoing requests are allowed), 0 days will have been counted and 70 days will remain under the Speedy Trial Act.

8. Next Status Conference

The parties request that an Interim Status Conference be scheduled during the week of March 4, 2019, or as soon thereafter as is convenient for the Court and ask that the time between the Initial Status Conference and the Interim Status

Conference be excluded from all Speedy Trial Calculations.

Respectfully submitted,  
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**CERTIFICATE OF SERVICE**

The government hereby certifies that the foregoing was this day filed through the ECF system and will be sent electronically to the registered participants as identified on the Notice of Electronic Filing ("NEF") and paper copies will be sent to those indicated as non-registered participants.

/s/ John A. Wortmann, Jr.  
JOHN A. WORTMANN, JR.  
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